

**EXHIBITS TO AFFIDAVIT OF OWEN F. DUFFY**

**EXHIBIT 4**

USDC SDNY  
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DOC #:  
DATE FILED: 9/17/04

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TRANSFIELD ER CAPE LIMITED,

Plaintiff,

: 04 CV 4395 (WHP)(THK)

- against -

FUCHUEN DIHAI SHIPPING CO.,  
LTD., HONG KONG,

Defendant.  
-----X

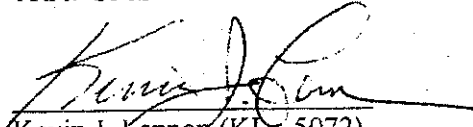
Plaintiff hereby voluntarily discontinues this action without prejudice pursuant to F. R.

Civ. P. 41(a)(1).

Dated: New York, NY  
September 15, 2004

The Plaintiff,  
TRANSFIELD ER CAPE LIMITED

By:

  
Kevin J. Lennon (KL- 5072)

Tisdale & Lennon, LLC  
11 West 42nd Street  
Suite 900  
New York, NY 10036  
(212) 354-0025 - phone  
(212) 869-0067 - fax

SO ORDERED:

SO ORDERED: 9/17/04

  
WILLIAM H. PAULEY III U.S.D.J.